

1 ROBERT T. SULLWOLD (SBN 88139)  
JAMES A. HUGHES (SBN 88380)  
2 SULLWOLD & HUGHES  
235 Montgomery Street, Suite 730  
3 San Francisco, CA 94104  
(415) 263-1850  
4 (415) 989-9798 FAX

5 Attorneys for Plaintiff  
salesforce.com, inc.  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 SALESFORCE.COM, INC., a Delaware  
Corporation,  
13

14 Plaintiff,  
15

16 v.  
17

17 THE COMPUTER MERCHANT, LTD, a  
Massachusetts Corporation,  
18

19 Defendant.  
20

21 AND RELATED COUNTERCLAIMS  
22

Case No.: C 07 3556 WHA

STIPULATION AND [PROPOSED] ORDER  
SELECTING ADR PROCESS

23 Counsel report that they have met and conferred regarding ADR and have reached the  
24 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

25 The parties agree to participate in the following ADR process: Mediation (ADR L.R. 6).  
26 The parties have not yet determined whether to employ a mediator from the Court's panel or to engage a  
27 private mediation provider.  
28

///

1 The parties agree to hold the ADR session by: January 25, 2008. (This proposed date is  
2 120 days after the date of the stipulation. The parties have agreed to this date because the presumptive  
3 deadline of 90 days from the date of the referring order, or approximately December 31, 2007, could  
4 present problems due to end-of-year holidays and the parties' belief that certain discovery will be  
5 necessary before any ADR process could be productive.)

6  
7 DATED: September 27, 2007

SULLWOLD & HUGHES

8  
9 By: 

JAMES A. HUGHES  
Attorneys for Plaintiff  
SALESFORCE.COM, INC.

10  
11  
12 DATED: September \_\_\_\_\_, 2007

McGRANE GREENFIELD LLP

13  
14 By: \_\_\_\_\_

CHRISTOPHER D. SULLIVAN  
Attorneys for Counter-Defendant and  
Counterclaimant  
ASTADIA CONSULTING, LLC

15  
16  
17 DATED: September 26, 2007

GALLO & ASSOCIATES

18  
19  
20 By: 

RAY E. GALLO  
Attorneys for Defendant  
and Counterclaimant  
THE COMPUTER MERCHANT, LTD.

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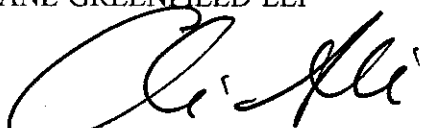
6  
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SULLWOLD & HUGHES

8  
9 By: \_\_\_\_\_  
10 JAMES A. HUGHES  
11 Attorneys for Plaintiff  
SALESFORCE.COM, INC.

12 DATED: September 27, 2007

McGRANE GREENEFIELD LLP

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14 By:   
15 CHRISTOPHER D. SULLIVAN  
16 Attorneys for Counter-Defendant and  
Counterclaimant  
ASTADIA CONSULTING, LLC

17 DATED: September \_\_\_\_\_, 2007

GALLO & ASSOCIATES

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19  
20 By: \_\_\_\_\_  
21 RAY E. GALLO  
22 Attorneys for Defendant  
and Counterclaimant  
THE COMPUTER MERCHANT, LTD.

**[PROPOSED] ORDER**

Pursuant to the Stipulation above, the captioned matter is hereby referred to: Mediation,  
either before a member of the Court's mediation panel or a private mediation provider.

Deadline for ADR session: January 25, 2008.

DATED: September \_\_\_\_\_, 2007

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UNITED STATES DISTRICT JUDGE